Previous references.

~~cls~~

cls File No. 83-08

1908.

(Courts)

.Serial Nos. 1 & 3

Later references.

-cls 20140-8.
Sh 402 3. Jan 09
cs 199-08 — 1 & 3
ch 200-08 — 1 & 2
ch 187-09 — 1 & 2
cls 57-18 cls - 2
ch 222 22 (1-2)
cls 91-30, 1 & 3.

GENERAL AND REVENUE SECRETARIAT.

" 44-35-1-2
" 42-35 (1-2)
" 24-41 (1-2)

Serial Nos. 1 & 3

Part B. for Nov/08

SUBJECT.

Rule requiring Sessions Judges to recommend for commutation of sentences passed on women convicted of infanticide

Name

The Registrar of the Chief Court of Punjab
No. 1715 dated 25.8.08
cls

States that in British India cases of women convicted of infanticide are ordinarily referred to Govt with a view to the consideration of the question whether any commutation or remission of sentence should be allowed, and suggests that a similar rule may be adopted in Punjab and the benefit thereof G. R. S. 58 may be extended to women who are now in jail

To

The Registrar, Chief Court
Punjab

2. Inspector General of prisons

No. J1237-47 D 3/11/08

Approves the proposal of the Chief Court

3. To the Commissioner Mysore gazette

No. 1248 D 3/11/08

Notifies the above.

G.R.S. 11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 8308

FILE HEADING.

Rule requiring Sessions Judges to recommend to Govt for Commutation of ~~the~~ sentences passed on women convicted of infanticide

From

The Registrar of the Chief Court of Mysore

No. 1375/65 Dated 25-8-08 Received 26.8.1908.

Diary No. 9536 | Enclos. nil Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that in British India cases of women convicted of infanticide are specially reported to Govt with a view to the consideration of the question as to reduction or Commutation of sentences passed on such females and suggests that a similar rule may be adopted in Mysore, and the benefit thereof may be extended to women who are now in jail

NOTES AND ORDERS.

(1) Submitted for orders.

HCS 28/8/08 SW (2) The idea is a good one & may be adopted.

Under Secy)

29.8.08

CSS 29/8/08

NOTES—First sheet.

GPB -30,000—20-3-06.

G. R. S. 12]
General and Revenue Secretariat.

Cfs File No. 83 of 1908-09.

Serial No.

(3) Please prepare draft of (1) an order approving of the chief Govt's suggestion and (2) a notification in the terms proposed, & submit to Dewan thro' both the Councillors. (This is a Council matter as it relates to "remission of judicial sentences.") — [illegible] 2 Sept 08

2.9.08

(4) Submitted with two drafts accordingly. [illegible] 2.9.08. (under Lr 4) Submitted to Dewan through Councillors) 2-9-08

8064 3.9.1908

2/9/08

(5) I would like to see the original papers dealing with the Govt of India order — at any rate it should be easy to get at the Madras Govt order cited in the Resident's letter. [The idea was that the Royal prerogative of mercy should be exercised only in those cases in which the women were visited prohibited remarriage under the rules of their caste.] 11/Sept 08

(6) Note of [illegible] 11 Sept 08

Draft D.O. submitted. 12.9.08

Done 14.9.08

12/9/08

Note:- Contn sheet.

GPB - 50,00017 — 3-07

(3)

G. R. S. 12]
General and Revenue Secretariat.

Gs File No. 83 of 1908.

Serial No.

D.O. Issued L.J. 8278 16.9.08.

Gs. J. 730

Br III

Bangalore 17.9.08 17.9.8.

Dear Sir,

(7) I am d.o. of the 16th.

The Madras G.O. is printed on p. 36 of the Rules of Practice in Criminal Courts (Madras) and has been quoted verbatim in my letter of the 25th ultimo. The Govt of India order is merely

Subd for orders.

Sec III 18/9/08. (8) The original Govt. of India or Govt. of Madras papers are not available. The Govt. of Madras order is quoted in the Chief Courts'

NOTE.- Contn sheet.

GPB-50,00017--3-07

(4)

G. R. S. 12]
General and Revenue Secretariat.

CS File No. 83 of 1908

Serial No.

Registrar's letter of the 25th ultimo
Submitted to the 1st Cr) 1908

8250
18.9.1908

(9) The Draft Section sanctioning the Chief Courts proposal may be amended - The customs of the caste to which the accused belong in regard to the remarriage of widows can be considered by the Chief Court & the Govt in each case as it arises

Vide 27 below
Ans to 2nd (v)

(10) The Chief Court's recommendation may be accepted. I would say nothing about habits & customs of caste or "the remarriage of widows". in the order to be issued. Cases can be easily imagined in which though widow remarriage is not prohibited, women of respectable families will shrink from such a step for several reasons

NOTE- Contn sheet.

GPB-50,00017--3-07

G. R. S. 12]
General and Revenue Secretariat.

C.S. File No. 83 of 1908

Serial No.

are of which is the ordinary
generally attaching to such
unions - and the lower
status of the offspring
of such unions.
We need not go further
than the British Indian
rule

K.W.M.
29/VII/08

10571/6407/08

4/30 Govt
29/VII/08

NOTE- Contn sheet.

GPB - 50,00017--3-07

cs 83-08 (6)

Submitted to His Highness.

(11) The Judges of the Chief Court have suggested the desirability of introducing into Mysore a rule similar to that in force in British India under which cases of women convicted of infanticide are specially reported to the Local Government, through the High Court, with a view to the consideration of the question whether any commutation or reduction of the sentence should be allowed under Sections 54 and 55 of the Indian Penal Code or under Sections 401 and 402 of the Code of Criminal Procedure. The Judges of the Chief Court also propose that, if their suggestion is adopted, the benefit of it may be allowed also to women now undergoing sentence for infanticide, should any of them be found deserving of consideration after an examination by the Chief Court of the records of their cases.

(12) The Councillors are of opinion, and I agree with them, that the recommendation of the Chief Court may be sanctioned. In the draft Government Order put up, the First Councillor has added certain words to the effect that in connection with each case the habits and customs of the caste to which the accused belong in regard to the remarriage of widows among them, should be taken into consideration by the Chief Court. The Second Councillor is of opinion that nothing need be said about this in the order to be issued and

Cb 83—08 (8)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

22.10.08 (14) Introduction of a rule similar to the one in British India under which cases in which women convicted of infanticide are specially reported to the Local Government through the High Court with a view to the consideration of the question whether any commutation or reduction of the sentence should be allowed under Sections 54 & 55 of the Indian Penal Code or under Sections 401 & 402 of the Code of ~~Criminal~~ Procedure.

Order.

297

24/27.10.08 (15)

Sanctioned
~~KRM~~
23/10/08

Seen
28 Oct 08

11/11/08

(16)

(9)

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. 83 of 1908-9.

Serial No.	
2	To the Registrar Chief Court. " District magistrates " Inspector General of Police " " " of Prisons No J 1237-47/93/11 Dt 8 Approves of the proposal of the Chief Court
3	To the Compiler, Mysore Gazette No J 1248-93/11 Dt 8 Notifies the above

Govt O/S dt 5-11-08 Part I Page 658.

NOTE.- Contn sheet.

GPB-50,00017—3-07

(10) cli 83-08.

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to _____

D.O. No. 1827
16.9.08

General and Revenue Secretariat

( )

, *the* 190 .

To

_____

Dear Sir,

Date of issue 16-9-08

Signed by _____

Please refer to your letter N 1375/65 dated the 28th August 1908. regarding the remission of Sentences passed on women Convicted of infanticide. I am desired to request you to Send to this office a Copy of each of the Order of the Governor General in Council and of the Madras Govt. on the Subject referred to therein.

Yours Sincerely

Mr S P Rajaratnam

SUBJECT.

V.A. Rajaratna Mudaliyar Esqr.

12/9/08

No. 1375/65 cl 83-08-1 J 536 (1)

Chief Court of Mysore,

Bangalore dated, 25th August 1903.

25

From,

V.A.Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To,

K.S.Chandrasekhara Aiyar Esq.,

Secretary to Government,

General and Revenue Departments.

Sir,

1 I am directed to state that when the Chief Judge visited the Central Jail a few days ago he found 4 or 5 women who had been convicted of infanticide and sentenced to transportation for life. In British India by order of the Governor-General in Council all these cases are specially reported to the Local Government, through the High Court, with a view to the consideration of the question whether any commutation or reduction of the sentence should be allowed under sections 54 and 55 of the Penal Code or under sections 401 and 402 of the Code of Criminal Procedure.

2 The Judges would suggest for the consideration of Government that it might be well to adopt a similar rule in Mysore where, as in British India, cases of infanticide are the outcome of attempts on the part of erring females to hide their shame.

3 The Notification may be somewhat like that of the Madras Government which runs thus:-

"The Government direct that, in future, in all cases where women may be convicted for the murder of their infant children, a reference be made, through the High Court, to them with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of any reduction of the awarded penalty which made"

I

(2) cb 83-08-1

I am to add that if the proposal is adopted the benefit thereof may be allowed to the women now under going sentence for infanticide should any of them be found deserving of consideration after an examination by this Court of the records of their cases.

I have the honour to be,

Sir,

Your most obedient servant;

REGISTRAR.

B.V.

(3)

G.R.S. 23]

Cfs File No. 83-08
Serial No. 2.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

the 190

Date of issue 3.11.08

Signed by Mr S. P. Rajagopalachar

READ—

Letter No 1375/65 dated the 25th August 1908 from the Registrar of the Chief Court of Mysore, stating that in British India by order of the ~~Governor General in~~

ORDER THEREON.—No.

~~Council~~ Cases of women convicted of infanticide are specially reported to the Local Government, through the High Court with a view to the consideration

over

SUBJECT

GPB—10,000—10-4-06

of the question whether any Commutation or Reduction of the sentence should be allowed under Sections 54 and 55 of the Indian Penal Code or under Sections 401 and 402 of the Code of Criminal Procedure, and that the Judges would Suggest for the Consideration of Govt, the adoption of a similar rule in Mysore, and adding that if the proposal is adopted, the benefit thereof maybe allowed to the women now undergoing sentence for infanticide

Order thereon ✓ J 1237-47 8.3.11.08
cts 83-08-2

The Govt ~~approve~~ of the suggestion made by the Chief Court and accordingly direct the issue of a Notification as hereunder to give effect to the proposal.

(Here enter the approved draft Notification)

(5) CS 83-082

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

2. They also approve of the suggestion that the benefit of the new provision be extended to the women now undergoing sentence for infanticide, should any of them be found deserving of consideration after an examination by the Chief Court of the record of their cases.

Print

for Secretary.

To

The Registrar of the Chief Court of Mysore.
" District Magistrates of Districts.
" S.P. of Police in Mysore.
" S.P. of Prisons in Mysore

Print

and of the habits & customs of the castes to which they belong in regard to the remarriage of widows among them —

2 Sept 08

2.9.08

(6)

G.R.S. 26]

Gs File No. 83/08

Serial No. 3

Diary No. of letter replied to _____

Notification No. J 1248 dt 3-11-08

General and Revenue Secretariat

( )

, the 190 .

Date of issue 3.11.08

Signed by Mr K.S. Chandrasekhara Aiyar

To

H H the Maharaja

The Govt ~~direct~~ are pleased to direct that, ~~in future~~, in all cases where women may be convicted for the murder of their infant Children, a reference may be made ~~to them~~ through the Chief Court, ~~to them~~ with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of any reduction of the awarded penalty being made

By order,

CSB 29

Secretary

over.

29/9/08

SUBJECT. do

The Compiler, Mysore Gazette for publication with a Kannada translation and for sending to the office 25 copies of the said above notification.

Translated

4/11/08

3/11/08

3/11